

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**GUARDIAN INDUSTRIES  
CORPORATION,**

**Plaintiff,**

**V.**

DELL, INC., et al.,

**Defendants.**

**Civ. No. 05-027-SLR**

**MOTION TO STAY, AND JOINDER IN MOTIONS TO STAY,  
PENDING RESOLUTION OF THE CASES AGAINST LCD MODULE  
MANUFACTURERS ON BEHALF OF ENVISION PERIPHERALS, INC.,  
TPV TECHNOLOGY LIMITED AND TPV INTERNATIONAL (USA), INC.**

Defendants Envision Peripherals, Inc. (“Envision”), TPV Technology Limited (“TPV”) and TPV International (USA), Inc. (“TPVI”) respectfully move this Court for an order staying this action as against Envision and the TPV entities pending the final resolution of plaintiff’s claims against the Liquid Crystal Display (“LCD”) product manufacturers. Envision and the TPV entities also join in the motions filed by similarly situated defendants, including Dell, Guardian, Lite-On, Tatung and Jean.

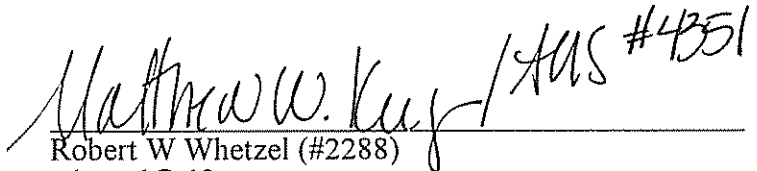
The patents asserted by plaintiff are directed to specific LCD components. In addition to suing the companies that manufacture LCDs or their components, plaintiff has also sued pure customers – meaning companies who do not manufacture LCD panels – of those and other LCD manufacturers. TPV assembles and sells computer monitors. It does not design or manufacture the LCD panels. As such, it is a pure LCD customer in this case. TPV purchases

LCD panels used in the products it sells from third-party suppliers and manufacturers. The manufacturers who supply TPV include Chunghwa Picture Tubes, Chi Mei Optoelectronics, AU Optronics, Hannstar, Boe Hydis and Quanta Display, though no United States sales involve Quanta LCD products. Envision and TPVI are a further step removed (from manufacture and design) because these companies purchase and sell finished monitors that incorporate LCD panels of third-party suppliers and manufacturers. Accordingly, Envision and the TPV entities are pure customers of the LCD manufacturers with limited knowledge and information about the design and manufacture of the LCD products at issue in this case.

The LCD manufacturers, not LCD customers like Envision and the TPV entities, are the real parties in interest in this case. The LCD manufacturers are the parties with detailed knowledge of the design, structure and manufacture of the allegedly infringing LCDs, and the parties with the information and documentation to defend against plaintiff's claims.

Thus, in an attempt to simplify this case, Envision and the TPV entities now move to stay the action, thereby allowing the LCD manufacturers to logically take the lead. Furthermore, staying this case against Envision, TPV and the other customer-defendants pending resolution of plaintiff's claims against the manufacturers would further the interests of justice and litigation efficiency and economy by significantly streamlining and simplifying the issues, discovery, and trial in this complex, multi-party case. (See, *Honeywell International, Inc. v. Audiovox Communications Corp.*, C.A. No. 04-1337-KAJ, slip op. at 6-7 (D. Del. May 18, 2005) and *Commissariat A L' Energie Atomique v. Dell Computer Corp.*, C.A. No. 03-484-KAJ, 2004 WL 1554382, at \*3 (D. Del. May 13, 2005)).

Envision and the TPV entities join in and incorporate by reference the points and authorities set forth in the briefs in support of the motions to stay filed by Dell, Inc., Gateway, Inc., Lite-On Technology Corporation, Lite-On, Inc., Tatung Company and Jean Company, Ltd filed previously, and the declarations of Charles Chen, Edmund Yuh and Jack Chao, filed herewith, as grounds for this motion. A proposed order granting this motion is submitted herewith.

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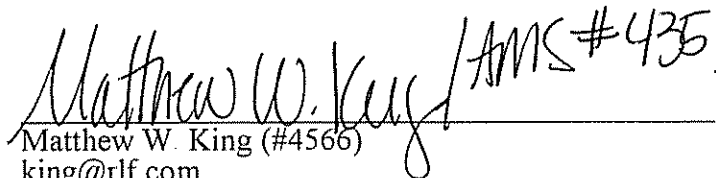
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Dated: June 20, 2005

**Rule 7.1.1 Certification**

Counsel for Envision and the TPV entities has consulted with counsel for plaintiff pursuant to Delaware Local Rule 7.1.1 and understands that plaintiff will not consent to the relief sought by this motion.

 AMS #4351  
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Dated: June 20, 2005

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**GUARDIAN INDUSTRIES  
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**DELL, INC., et al.,**

### Defendants.

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**Civ. No. 05-027-SLR**

## ORDER

The Court, upon considering defendants Envision Peripherals, Inc , TPV Technology Limited and TPV International (USA), Inc 's Motion to Stay, the response of plaintiff Guardian Industries Corporation, and having heard the arguments of counsel, if any, finds that the relief sought by defendants should be granted. Accordingly,

**IT IS SO ORDERED** that the Motion to Stay is granted and all claims against Envision Peripherals, Inc , TPV Technology Limited and TPV International (USA), Inc. pertaining to any alleged infringement of the patents-in-suit are hereby stayed pending resolution of plaintiff's case against LCD product manufacturers.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, 2005 by Sue L. Robinson, United States District Judge

SUE L. ROBINSON  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on June 20, 2005 I electronically filed the foregoing with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following and which has also been served as noted.

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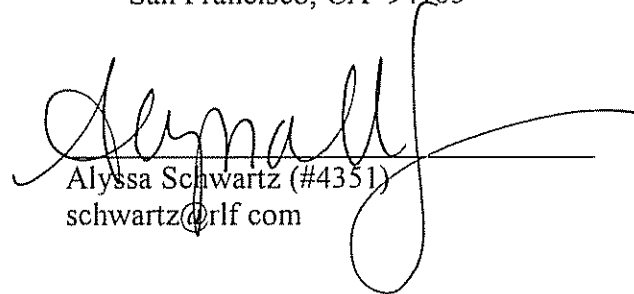
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